



An
Bord
Pleanála

Inspector's Report ABP-307501-20

Development	Construction of a dwelling house.
Location	Site is located behind Mystic Cottage, Narrowways Road, Bettystown, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	LB200065.
Applicant	Eusebiu Danca.
Type of Application	Planning Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellant	Catherine Murphy.
Observer(s)	None.
Date of Site Inspection	16 th and 19 th September, 2020.
Inspector	P.M. Young.

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1.0 Site Location and Description

- 1.1. This appeal site has a stated 0.2ha area and it is essentially comprised of the rear garden of an existing modest single storey vernacular semi-detached dwelling that is referred to in the submitted documentation as 'Mystic Cottage'. This semi-detached dwelling has the appearance of a vernacular railway cottage and has been extended to the rear. There are a number of additional structures to the rear of it that appear to provide ancillary storage and a greenhouse structure. These are in a poor state of condition. The main garden area to the rear is overgrown and unkempt.
- 1.2. The site is situated in a suburban area, c349m to the south west of the R150 at its nearest point and c1.4km from the centre of Bettystown, a coastal settlement, in north east County Meath.
- 1.3. The site itself is enclosed by a mixture of solid and natural site boundaries. With all three sides bound by mature residential properties that vary from single storey, dormer to 2-storey in their built form. This includes a backland dwelling which adjoins the western boundary of the site which contains two first floor windows that overlook the appeal site. In addition, there is a substantial drainage ditch running alongside the eastern boundary of the site and the rear boundary of the site lies in close proximity to the Great Northern Railways corridor (Note: c31m to the east with it separated from it by a back garden serving a neighbouring residential property).
- 1.4. Access to the site is via an existing drive onto 'Narrowways' road. This serves Mystic Cottage and it is situated c37m to the northwest of the entrance serving the residential development known as 'Sevitt Manor' which is located on the opposite site of 'Narrowways' road.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a one and a half storeys detached 4 en-suite bedroom dwelling with a given 295m² floor area. Planning permission is sought for a separate access onto Narrowways Road and all associated site works as well as services. A new connection to public mains water and sewer alongside the provision of a soak pit to deal with surface water disposal are also proposed.

2.2. On the 9th day of April, 2020, the applicant submitted their further information response. The revisions it contained were deemed to be significant and new public notices were requested. These were received by the Planning Authority on the 7th day of May, 2020. The revisions relate to the proposed separate entrance onto Narrowways Road. They also include revisions to the dwelling house with it now relocated 5m to the south west of that initially sought and the first-floor office window is now omitted.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. The Planning Authority granted permission subject to 16 no. conditions. Of note are the requirements of the following conditions:

Condition No. 2: Visibility Splays.

Condition No. 8: Boundary Treatments.

Condition No. 9: Sets out the Finished Floor Level.

Condition No. 10: Landscaping Plan.

Conditions No.s 14, 15 & 16: Financial Contributions.

This notification to grant permission is accompanied by a number of 'Advice Notes'.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The **final Planning Officer's report** is the basis of the Planning Authority's decision and it has regard to the Planning Authority's internal report alongside the planning history of the site together with relevant planning provisions. It concludes that the applicant's further information response has satisfactorily addressed the Planning Authority's concerns with regards to the proposed development and that the development is acceptable subject to recommended conditions. It therefore concludes with a recommendation to grant planning permission.

The **initial Planning Officer's report** includes an overview of relevant planning provisions, it sets out the planning history of the site, it examines the potential

residential and visual amenity impact of the proposed development alongside the qualitative as well quantitative standards of the dwelling house for future occupants, it includes an 'Appropriate Assessment' of the development and an Environmental Impact Assessment. It concludes with a request for further information which consisted of three items: 1) access and compliance with DMURS; 2) seeks that the dwelling house is relocated and that a first floor level window is omitted from the proposed design of the dwelling; and, 3) reminds that new public notices would be required where significant amendments are put forward as part of the further information response.

3.3. Other Technical Reports

- 3.3.1. **Transportation:** The final report indicates that they are satisfied that the required 2m wide concrete path for the full width of the property has been shown and it considers that the further information response also demonstrates that this development accords with the requirements of DMURS.

3.4. Prescribed Bodies

- 3.4.1. **Irish Water:** No objection.

3.5. Third Party Observations

- 3.5.1. During the course of the Planning Authority's determination the appellant submitted a submission raising concerns that correlate with those raised to the Board in their appeal submission which are summarised under Section 6 of this report below.

4.0 Planning History

4.1. Site

P.A. Reg. Ref. No. SA/70614: On the 18th day of January, 2008, planning permission was **refused** for a development consisting of the construction of a dormer dwelling house and the decommissioning of existing septic tank along with all associated site development works. The stated reason for refusal reads:

"The proposed development by virtue of its overall layout, to the rear of an existing dwelling and the use of a shared entrance, is considered to represent a haphazard

and piecemeal form of development in an unacceptable backland position. The proposal would therefore have an unacceptable and detrimental impact upon the visual amenity of the area and would prove contrary to the A1 zoning objective for the area as set out in the East Meath Development Plan 2005, which seeks ‘to protect and enhance the amenity of developed residential communities’. The proposal would set an undesirable precedent for similar backland development in the area and would therefore be contrary to the proper planning and sustainable development of the locality.”

P.A. Ref. No. SA/802964: On the 11th day of December, 2008, planning permission was **granted** subject to conditions for a development consisting of the construction of a dormer dwelling house and the decommissioning of the existing septic tank along with all associated site development works. This application included the creation of a separate access serving the proposed dwelling house with a new driveway running along the south eastern boundary of the site. On the 13th day of March, 2014, **an extension of time was permitted** under **P.A. Ref. No. SA/140029** up until the 22nd day of January, 2019.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Meath County Development Plan, 2013 to 2019, is the applicable development plan. Under Table 2.1 and Section 3.4.5 the settlement of Bettystown is identified as a ‘small town’ in County Meath’s urban settlement hierarchy.

5.2. Local Area Plan

- 5.2.1. The East Meath Local Area Plan, 2014 to 2020, which covers Bettystown, Laytown, Mornington East, Donacarney and Mornington, is the applicable local area plan.
- 5.2.2. Under this plan the subject site is located in an area zoned ‘A1- Existing Residential’. The stated land use zoning objective for such land is: “*to protect and enhance the amenity of developed residential communities*”.
- 5.2.3. Under Section 3.3 of the Development Plan it indicates that: “*the Planning Authority will be primarily concerned with the protection of the amenities of established residents. While infill or redevelopment proposals would be acceptable in principle,*

careful consideration would have to be given to protecting amenities such as privacy, daylight/sunlight, and aspect in new proposals. In all residentially zoned lands, no residential development shall be permitted on lands that are subject of a deed of dedication or identified in a planning application as open space to ensure the availability of community and recreational facilities for the residents of the area”.

5.3. Natural Heritage Designations

5.3.1. Within a 15km radius of the appeal site there are several Natural 2000 sites. The nearest are:

- The site is situated c1.5km to the south west of the Special Area of Conservation: Boyne Coast & Estuary SAC (Site Code: 001957).
- The site is situated c2.1km to the south west of Special Protection Areas: Boyne Estuary SPA (Site Code: 004080).
- The site is situated c2.7km to the north west of the Special Protection Areas: River Nanny Estuary & Shore SPA (Site Code: 004158).
- The site is situated c4km to the south east of Special Area of Conservation: River Boyne & River Blackwater SAC (Site Code: 002299).

5.4. EIA Screening

5.4.1. Having regard to the modest nature, scale and extent of the proposed development, the serviced nature of the site, the suburban character of the site forming part of the western fringes of the settlement of Bettystown with this fringe being defined by the Great Northern Railway line corridor which lies c31m to the west, the absence of any significant environmental sensitivity in the vicinity due to the lateral separation distance with this distance including large tracts of land that have been subject to significant development works, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and it is my view that a screening determination is not required in this case.

5.5. Built Heritage

5.5.1. The site lies c331m to the west of Recorded Monument ME02360 (Classification 'BURI').

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of this 3rd Party Appeal can be summarised as follows:

- The proposed development would give rise to a loss of established residential amenity with particular concern raised on the matters of diminishment of privacy, flooding and waterlogging of the appellants property.
- The appellant shares a boundary with the appeal site which is defined by an open stormwater drain approximately 1.5m wide at ground level and 0.9m at the invert which is approximately 1m below ground level. The appellant contends that the registered boundary of her property is the centreline of this drain and that stormwater runs west to east with this drain forming part of the local drainage network including the drainage of the elevated railway embankment.
- This proposal seeks to situate a dwelling to the rear of the appellants property which would effectively overlook her rear garden and there is a sparse line of trees running along this boundary line. Should the Board be minded to grant permission it is requested that a suitable boundary be provided to protect the established levels of privacy.
- The drainage details are not satisfactory.
- The proposed dwelling is too large for this site.

6.2. Applicant Response

6.2.1. No valid response received.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response can be summarised as follows:

- All matters raised by the appellants have already been considered by them.
- The Board is requested to uphold its decision.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. I therefore consider that the issues in this appeal case can be dealt with under the following broad headings:

- Principle of the Proposed Development
- Residential Amenities
- Visual Amenities
- Land Ownership
- Access

7.1.2. For clarity I note that my assessment below is based on the proposed development as revised by the applicant's further information response which was received by the Planning Authority on the 9th day of April, 2020. My reason for this is that it puts forward qualitative improvements to the initial proposal submitted to the Planning Authority. In particular, in terms of the separate access proposed to serve the dwelling house onto Narrowways Road which in itself reduces the potential for adverse road safety and traffic hazard issues to arise. Moreover, it puts forward design and layout improvements that in part reduce the potential for adverse residential amenity impact to arise for residential properties in its immediate vicinity.

7.1.3. The matter of 'Appropriate Assessment' also requires examination.

7.2. **Principle of the Proposed Development**

7.2.1. The proposed development sought under this application essentially seeks planning permission for the construction of a dormer dwelling on a backland site to the rear of an existing semi-detached vernacular single storey railway cottage (Mystic Cottage). In its current form it forms part of Mystic's Cottage curtilage and consists of the majority of its back garden area. I consider that this type of development despite the planning history of the site which includes a refusal for a similar type of application in the past, but also includes a recent grant of permission for a similar type of application which has recently expired (See: Section 4.1 above which sets out the sites planning history). Such residential developments are generally acceptable subject to safeguards on 'A1-

Residential' zoned land under the East Meath Local Area Plan, 2014 to 2020. I also consider that in general the dormer design built form, its mass and scale is not out of context with its setting which includes a variety of dwelling types and architectural styles, including modern dormer dwellings. An example of the same is present on an adjoining backland site. Notwithstanding, it is not a dwelling house that could be considered to be subservient to 'Mystic Cottage' the existing modest semi-detached dwelling house but this dwelling appears to be a period dwelling that represents only one style of dwelling units within this suburban area that as said contains a wide variety of architectural architectural styles and residential built forms.

7.3. Residential Amenity Impact

- 7.3.1. The first floor level of the proposed dormer dwelling's principle facade has a lateral separation distance of c36m from the proposed new rear boundary with Mystic Cottage, the existing dwelling house to which the appeal site comprises of most of its rear garden area. This is significantly in excess of the 22m required under the local planning provisions, a separation distance generally advocated in such suburban settings.
- 7.3.2. The submitted drawings indicate that a screening buffer of trees would be provided inside the site area immediate to the south of this new boundary. An appropriate landscaping condition could ensure that any such planting achieve an adequate level of privacy to the modest rear garden area that would remain for the future residents of Mystic Cottage. The planting that is proposed towards the northern boundary of the new subdivision also has the potential to protect the established privacy of the semi-detached pair Mystic Cottage forms part of.
- 7.3.3. In addition, the principal façade is also set back from the existing dwelling houses located on the adjoining land to the east and west.
- 7.3.4. There is also additional planting in the form of single stem trees along the western boundary which I note that the adjoining property nearest in proximity contains two large windows at first floor level that would overlook the front garden area of the proposed dwelling house. I do not consider this a significant issue given that the proposed dwelling would be served by ample private open space to the rear.
- 7.3.5. Alongside the western side of the main front garden area, a number of trees are also proposed, and the eastern boundary contains a deep drainage ditch that is wide and

deep containing several mature trees together with a large wooded planting area that appears to be associated with the adjoining dwelling house to the east of the appeal site. Despite the presence of mature planting this planting is still porous and contains many deciduous species. As a result, there are views available from the site to the adjoining property to the east. Moreso, than is the case for the adjoining property to the west but the western boundary still in parts is also porous and the majority of the planting is deciduous in nature. Thus, there is potential for the privacy of the appellants property as well as the property to the west to be diminished should planning permission be permitted for the proposed development in its current form and in the absence of no additional robust screening in the form of a boundary wall through to evergreen hedging of a suitable height be provided.

- 7.3.6. I note to the Board that the appellant requests the provision of a 1.8m boundary to deal with this issue which I do not consider to be unreasonable to safeguard its established residential amenities and/or the amenities of the adjoining property to the west given the current unused and unkempt nature of the site. Notwithstanding, any boundary works on the shared eastern boundary of the site should not impact on the functioning of the existing drainage ditch and would required to be designed taking this into account.
- 7.3.7. The revised design has reduced the potential for direct overlooking to occur to properties in its vicinity from windows at first floor level and it would be appropriate that any grant of permission include a condition that requires all side elevation windows at first floor level to be glazed with opaque glazing. I do not consider in this site context together with having regard to the design and the potential for landscaping as well as boundary improvements that could be achieved by way of condition that the principal or rear elevation first floor windows would give rise to any undue diminishment of the established amenities of properties in its vicinity by way of overlooking and/or diminishment of privacy. I consider that the level of overlooking that would arise is not inconsistent with its suburban albeit fringe suburban context.
- 7.3.8. I am satisfied that the proposed dormer dwelling would not give rise to any undue overshadowing of adjoining residential properties in its immediate setting and it is probable that the mature natural boundaries that are in situ already give rise to high level of overshadowing.

- 7.3.9. In relation to the residential amenities of the existing dwelling (Note: Mystic Cottage), this lies outside of the red line area of the site but is located within the blue line area and as such is the legal interest of the applicant. I raise a concern that this property may not be served with a qualitative and quantitative level of open space amenity alongside adequate off road car parking to accommodate its needs. There is a lack of clarity on the number of bedrooms and bedroom types within the existing dwelling, but I observed that it is a very modest in size semi-detached cottage. Despite this concern under local planning provisions there is a requirement of between 55m² and 60m² for one to three-bedroom dwellings. It would appear that this minimum requirement can be achieved in the new subdivision proposed.
- 7.3.10. Whereas the proposed dwelling house substantially exceeds the private open space amenity requirements set out under the local planning provisions for a dwelling house of the size proposed (Note: 75m²) and to the front of the proposed dwelling there is ample car parking to meet the required car parking for a dwelling of the size proposed under local planning provisions (Note: 2 per conventional dwelling).
- 7.3.11. I am satisfied that the proposed dwelling house meets the required qualitative and quantitative residential amenity standards and subject to appropriate conditions I am satisfied that it would not impact unduly on the established residential amenities of properties in its vicinity.

7.4. Visual Amenity Impact

- 7.4.1. While I consider that the proposed design of the dormer dwelling is lacking innovation it is not out of context with the varied nature of residential buildings within its suburban-landscape setting. Notwithstanding, a condition requiring a qualitative palette of materials, finishes and treatments should improve its contribution to its urban-landscape setting.
- 7.4.2. Moreover, given its significant lateral separation distance from the public domain with the area in between containing an existing dwelling house that also contains mature trees to the front and along the eastern boundary views of the dormer dwelling in its backland site will be minimal.
- 7.4.3. Further, within the site's setting there are no natural or man-made features of merit. The varied built landscape setting is not highly sensitive to change.
- 7.4.4. I am therefore satisfied that the proposed dormer dwelling would not result in any undue visual amenity deterioration of its setting, it would make efficient use of unkept

and underutilised residentially zoned land which would only improve the visual amenities of its setting.

7.5. Landownership

- 7.5.1. I note that the appellant's grounds of appeal indicate that there is a shared boundary between their property and the appeal site and they object to any modifications to it in the absence of their consent alongside that would have the potential to diminish its functional utility as an important drainage ditch.
- 7.5.2. Should the latter occur they raise concerns that this could result in localised drainage and flooding issues in its vicinity. This is a civil matter and I would refer the Board, in this regard, to Section 34(13) of the Planning and Development Act 2000, as amended which states: "*a person shall not be entitled solely by reason of a permission under this section to carry out any development*".
- 7.5.3. Whilst I consider that this to be a civil matter most appropriately resolved outside the parameters of the planning system it does give rise to a number of planning issues including the need to provide a suitable screening along this boundary to safeguard the appellants established residential amenities from any undue diminishment of established amenity, in particular privacy. Through to any modifications to the drainage ditch should be done in a manner that does not compromise its functional utility and in such circumstance give rise to drainage through to flooding issues on and outside the confines of the site.
- 7.5.4. Therefore, should the Board be minded to grant permission for the development sought under this application alongside the attachment of an advisory note reiterating the above section of the Act it would be appropriate that any revisions, alterations and additions along this shared boundary be subject also to the written agreement of the Planning Authority so that no undue planning issues arise. In this regard I consider that Condition No. 2(d); Condition No. 4(a) and Condition No. 7 from the Schedule of Conditions attached to the Planning Authority's notification to grant planning permission would address these particular concerns.

7.6. Access

- 7.6.1. The applicants revised design has satisfied the Planning Authority that the proposed access alongside the maintenance of an existing access to serve the existing dwelling house would not unduly conflict with the vehicle manoeuvres along Narrowways Road,

which I observed at the time of my inspection was heavily trafficked though generally vehicles were travelling at low ambient speed. In addition, that the required sightlines can be achieved so that no undue traffic hazard would arise.

- 7.6.2. Having regard to the site's location, I am satisfied that the proposed development should not give rise to any significant road safety and traffic hazard issue should the Board be minded to grant planning permission, subject to the Board including in its conditions Condition No. 2 from the Schedule of Conditions attached to the Planning Authority's notification to grant planning permission.

7.7. **Other Matters Arising:**

- 7.7.1. **Services:** I am satisfied that there is sufficient spare capacity to accommodate the water and drainage requirements of the proposed development subject to agreement of these particulars with the Planning Authority and Irish Water in writing prior to the commencement of development on site.

7.8. **Appropriate Assessment**

- 7.8.1. Having regard to nature and scale of the proposal which seeks to provide a dormer dwelling within a serviced area with significant lateral separation distances between it and the nearest Natura 2000 site alongside no connectivity between them, no Appropriate Assessment issues arise and I consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. I recommend a **grant** of planning permission.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the location of the site on residentially zoned lands in the East Meath Local Area Plan, 2014 to 2020, and to the policies and objectives of the Meath County Development Plan, 2013 to 2019, to the nature, scale and design of the proposed development, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the area, and would not seriously injure the

residential or visual amenities of the area or of property in the vicinity and would not endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 9th day of April, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall contain:

- (a) Adequate visibility shall be made available and maintained as indicated on submitted 'Proposed Site Plan' Drawing No. PL.03A, received on the 9th day of April, 2020, for a minimum of 45 metres on either side of the entrance from a point 2.4 metres back in from the edge of the carriageway over a height of 1.05 metres above road level and no impediment to visibility shall be placed, planted or allowed to remain within the visibility triangle.

- (b) Where it is necessary to remove hedges/banks/walls to provide adequate sightline visibility, this must be completed prior to any other development on site and any new boundary wall/fence/hedge shall be located behind the visibility splay. Any pole, column, tree, or sign materially affecting visibility must also be removed.

- (c) No work shall commence on site until the visibility splays have been provided. The area within the visibility splay shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and shall be maintained and kept clear thereafter.

(d) Road drainage across the entrance and along the public road shall not be impeded or be interrupted in any way. If proposed works necessitate the piping of the existing watercourses, the design of this site specific storm water drainage system shall be carried out by a Chartered Engineer.

(e) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road/footpath arising from the construction work and shall either make good any such damage forthwith to the satisfaction of Meath County Council or pay to the Council the cost of making good any such damage on a demand therefore being issued by the Council.

Reason: In the interest of traffic safety.

3. Details of the materials, colours, and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. (a) Details of all boundary treatments shall be submitted to the Planning Authority for agreement and shall include a minimum of a 1.8m boundary along the eastern boundary of the site along its length.

(b) Development shall not commence without the prior written agreement of all boundary treatments with the Planning Authority and thereafter shall only be authorised to commence in accordance with the agreed plans.

Reason: In the interest of residential and visual amenity.

5. The first-floor windows on the side elevations of the dwelling shall be permanently glazed with obscure glass unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of residential amenity.

6. (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, and including rainwater and guttering details shall comply with the requirements of the planning authority for such works and services.

(b) Surface water from the site shall be disposed of within the boundaries of the site and shall not discharge onto the public road or adjoining property. Permeable paving shall be incorporated to the proposed driveway and the existing surface water drainage for adjoining properties shall not be adversely affected by the development hereby permitted. All soak pits shall be designed to BRE Digest 365 standards.

Reason: In the interest of public health and to ensure orderly disposal of surface water.

7. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) The establishment of a semi-mature trees along all side and rear boundaries of the site.

(b) The establishment of hedging along all side boundaries of the site where no solid boundaries are proposed and where existing boundaries are porous. These should achieve a height of 1.8m and provide appropriate levels of visual screening.

(c) Except where required to comply with Condition No. 2, all existing hedgerow boundaries shall be permanently retained.

Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, protection of the public roads and public footpaths, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the

authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Advisory Note: Section 34(13) of the Planning & Development Act, 2000, as amended, states that: “*a person shall not be entitled solely by reason of a permission under this section to carry out any development*”.

Patricia-Marie Young
Planning Inspector

5th day of October, 2020.